

Keith Burton

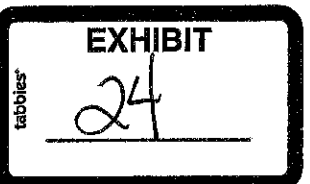
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<p>1 do you know who that officer is?</p> <p>2 A I believe that's Officer Rachas.</p> <p>3 Q Did you see Sergeant Rossomanno anywhere in</p> <p>4 this video?</p> <p>5 A No.</p> <p>6 Q Let me back it up. I want to highlight one</p> <p>7 individual here and see if you can identify them.</p> <p>8 I'm going to tell you my impression of what</p> <p>9 I see happening, but I want you to be guided by your</p> <p>10 own eyes, here, okay? And the individual I'm going to</p> <p>11 be interested in, you'll see -- we'll start from the</p> <p>12 beginning. An individual is brought to the ground</p> <p>13 here, and you and who we believe is Officer Rachas are</p> <p>14 involved in an arrest there.</p> <p>15 An individual in tactical gear appears to</p> <p>16 walk by and do two deployments of some type of</p> <p>17 chemical munition on that individual, okay? I'd like</p> <p>18 you to be looking for that individual and then we're</p> <p>19 going to talk about him, okay? Do you understand what</p> <p>20 I'm asking for?</p> <p>21 A Yes.</p> <p>22 (Video played.)</p> <p>23 BY MR. NEWTON:</p> <p>24 Q I'm pausing it at the 26 second mark. Did</p> <p>25 you see what I was describing? Let's back up. We'll</p>	<p>1 watch this as many times as we need to.</p> <p>2 (Video played.)</p> <p>3 BY MR. NEWTON:</p> <p>4 Q This individual.</p> <p>5 A Okay.</p> <p>6 Q Do you recognize him?</p> <p>7 A No, I don't.</p> <p>8 Q Do you want to watch it again or are you</p> <p>9 pretty confident?</p> <p>10 A I mean, it could be Sergeant Rossomanno, but</p> <p>11 I don't really know him that well --</p> <p>12 Q Fair enough.</p> <p>13 A -- to say that's definitely him.</p> <p>14 Q That's a fair answer. That's a little out</p> <p>15 of order on how we normally do these things.</p> <p>16 Have you ever had your deposition taken</p> <p>17 before?</p> <p>18 A Yes.</p> <p>19 Q Have you had your deposition taken in</p> <p>20 relation to the Stockley protests?</p> <p>21 A No.</p> <p>22 Q How many times have you given a deposition?</p> <p>23 A Three or four, best guess.</p> <p>24 Q Were the rest all criminal cases?</p> <p>25 A One was a criminal case. One was civil</p>
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<p>1 litigation.</p> <p>2 Q Have you ever had a sustained complaint with</p> <p>3 Internal Affairs?</p> <p>4 A No.</p> <p>5 Q Have you ever had a sustained complaint</p> <p>6 against your POST license?</p> <p>7 A No.</p> <p>8 Q Do you currently hold a Class A</p> <p>9 certification with POST?</p> <p>10 A Yes.</p> <p>11 Q Have you ever had, whether it's sustained or</p> <p>12 not, any allegations against you in POST or Internal</p> <p>13 Affairs as they relate to honesty or false reporting?</p> <p>14 A No.</p> <p>15 Q Have you ever been the defendant in a civil</p> <p>16 lawsuit before this case?</p> <p>17 A Yes.</p> <p>18 Q How many times?</p> <p>19 A Once.</p> <p>20 Q What was that case about?</p> <p>21 A It was a car accident. On-duty car</p> <p>22 accident, sorry.</p> <p>23 Q Have you ever been interviewed by Internal</p> <p>24 Affairs regarding the events surrounding the Stockley</p> <p>25 protest?</p>	<p>1 A No.</p> <p>2 Q Have you ever been interviewed by the United</p> <p>3 States Department of Justice or the U.S. Attorney's</p> <p>4 Office regarding the events surrounding the Stockley</p> <p>5 protest?</p> <p>6 A No.</p> <p>7 Q Same question for the Circuit Attorney's</p> <p>8 office.</p> <p>9 A No.</p> <p>10 Q Have you ever drafted a report or summary of</p> <p>11 the events surrounding the Stockley protest?</p> <p>12 A No.</p> <p>13 Q Have you ever been asked to?</p> <p>14 A No.</p> <p>15 Q Does that also include you've never</p> <p>16 completed a use of force report related to the events</p> <p>17 of the Stockley protest?</p> <p>18 A No.</p> <p>19 Q No, you have not?</p> <p>20 A No, I have not. Sorry.</p> <p>21 Q No, you're fine. This is really a natural</p> <p>22 way of talking, okay? If I ask you a question, you</p> <p>23 don't understand what I'm asking, will you stop me and</p> <p>24 ask me to rephrase it?</p> <p>25 A Yes, I will.</p>

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<p>1 Q And it's important that you use yeses, nos, 2 no uh-huhs or uh-uhs because she's going to write this 3 all down, okay? 4 A Okay. 5 Q So if you make a mistake, either I or your 6 attorney will correct you. Don't take it personally. 7 It's a tough way to talk. 8 A Okay. 9 Q What did you do to prepare for your 10 deposition today? 11 A Met with my attorney. 12 Q Has anyone from the police department given 13 you any instructions on how to respond to questions in 14 this deposition or as it relates to this case? 15 A No. 16 Q Have you ever done any type of after-action 17 review or debriefing regarding the events of the 18 Stockley protest? 19 A No. 20 Q Has anyone ever shown you photographs of 21 officers and seen whether you can identify anybody as 22 it relates to this case? 23 A I met with Charlie Wall, Sergeant Wall, who 24 initially identified us, I believe, and went down 25 there and showed us some pictures of us, me and</p>	<p>1 Officer Rachas down there. But other than that, no. 2 Q I'm going to hand you what's been marked 3 previously in this case as Exhibit 2A through 4 discovery. Is that Officer Rachas? 5 A I believe. I believe so, yeah. 6 Q I'll hand you what's been previously marked 7 as 2B as well. Does that look like Officer Rachas? 8 A Yes. 9 Q I'm going to hand you what has been 10 marked -- previously been marked in this case as 11 Exhibits A, B and C through discovery. I'm going to 12 ask -- first of all, take a look at all three of 13 those. Do you recognize this individual? 14 A It looks like Sergeant Rossomanno. 15 Q Since you graduated from the academy, have 16 you received any training in crowd control? 17 A Yes. 18 Q Tell me about that. 19 A When I was with St. Louis County Police 20 Department, they -- I guess they put all the newer 21 people, newer guys, through their CDT team or 22 whatever. 23 Q And for the people who might eventually read 24 this transcript, what do you mean by CDT? 25 A The civil disobedience team or training.</p>
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<p>1 Q The events that are described in this 2 lawsuit date back to Sunday, I believe, September 17th 3 of 2019. What was your assignment that night? 4 A 2017? 5 Q Yes. Did I say 19? 6 A Yes. 7 Q Sorry. 8 A I was working in the First District. 9 Q And were you just on patrol? 10 A Yes. 11 Q Did you have any special assignments? 12 A No. 13 Q Like were you deployed to any type of 14 documentation team, bike support, intelligence, 15 investigations? 16 A No, I was not. 17 Q Just the standard call-out for patrol 18 officers, correct? 19 A Yes. 20 Q Were you in any way deployed with the civil 21 response teams? 22 A No. 23 Q Did you attend any briefings that were given 24 to the civil response teams? 25 A No.</p>	<p>1 Q And just for purposes of clarity, when I'm 2 saying civil response teams, I'm generally referring 3 to the crowd control, the groups that came in and the 4 tactical gear, shields, helmets, batons, chemical 5 stuff. Are we on the same page? 6 A Yes. I understand. No, we were not briefed 7 with any of that. 8 Q I will represent to you that that team did a 9 muster over off Hampton before they came downtown. 10 Did you attend that? 11 A No. 12 Q Did you do a roll call that night before you 13 went out? 14 A Yes. South Patrol. 15 Q What information did you receive about what 16 the department was expecting that night? 17 A Very little, other than, you know, hey, 18 there's protests going on downtown, but, you know, 19 we're all assigned to the First District. So nothing 20 specifically what our purposes would be or if we were 21 to respond. 22 Q Do you remember receiving any type of 23 intelligence briefings in advance of September 17, 24 2017? 25 A Not that I can recall, no.</p>

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<p>1 Q Do you recall receiving any specific</p> <p>2 additional training or counseling regarding civil</p> <p>3 protests or responses?</p> <p>4 A Not that I can recall.</p> <p>5 Q Do you recall at any time after the events</p> <p>6 that are described in this lawsuit being asked to</p> <p>7 submit a report or anything to anyone in the</p> <p>8 department?</p> <p>9 A No.</p> <p>10 Q Do you know Detective Brandon Wyms?</p> <p>11 A I know of him. I don't know him personally.</p> <p>12 Q Do you recall whether he asked for any</p> <p>13 reports?</p> <p>14 A No.</p> <p>15 Q No, you don't recall or no, he didn't?</p> <p>16 A No, he didn't ask me specifically for any</p> <p>17 type of reports or anything like that.</p> <p>18 Q Did you have any special equipment on this</p> <p>19 night, the September 17th, other than your uniform kit</p> <p>20 that you normally have on duty?</p> <p>21 A I was wearing what I would wear on patrol,</p> <p>22 so no specialized equipment or anything.</p> <p>23 Q Why don't you in your own words tell me how</p> <p>24 you came to be present at this scene.</p> <p>25 A We were working in the First District, just</p>	<p>1 on regular patrol, however you like to refer it to,</p> <p>2 and there was a call -- not a call, but it was advised</p> <p>3 over dispatch that people -- some other people from</p> <p>4 the First and some other district are supposed to</p> <p>5 respond downtown to assist in a protest. I can't -- I</p> <p>6 don't know what the exact verbiage was, but I'm just</p> <p>7 saying we were called to downtown over dispatch.</p> <p>8 Q What is the area of the First District at</p> <p>9 the time in September of 2017?</p> <p>10 A The boundaries are east -- or on the west,</p> <p>11 Kingshighway, on the north it's Meramec, and then it</p> <p>12 goes to the river and then the county line.</p> <p>13 Q What was your shift that night?</p> <p>14 A I can't remember. It was the afternoon</p> <p>15 shift.</p> <p>16 Q Were you on overtime by the time this took</p> <p>17 place? And don't guess. If you're not sure, it's</p> <p>18 fine.</p> <p>19 A I don't know. I'm sorry.</p> <p>20 Q That's fine. That's one of the other</p> <p>21 instructions I should probably give you. I don't want</p> <p>22 you to guess about anything. If you don't know, I</p> <p>23 don't know is a fine answer.</p> <p>24 A Okay.</p> <p>25 Q Is it a fair statement that there were no</p>
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<p>1 special instructions given to you regarding how to</p> <p>2 interact with the crowd on this night?</p> <p>3 A Yes.</p> <p>4 Q Just it was -- okay. That's fine.</p> <p>5 Did you receive any intelligence briefings</p> <p>6 about anything surrounding the Stockley trial, verdict</p> <p>7 or subsequent civil unrest?</p> <p>8 A No, no special instructions.</p> <p>9 Q In your own words, tell me what you were</p> <p>10 doing in this video.</p> <p>11 A We were trying to flex cuff people for the</p> <p>12 arrest teams.</p> <p>13 Q Who was directing you that evening?</p> <p>14 A It was a sergeant, and I don't know which</p> <p>15 sergeant it was, that said we've got a bunch of flex</p> <p>16 cuffs and we're supposed to be going there and</p> <p>17 detaining people via flex cuffs.</p> <p>18 Q Tell me about when you -- presumably that</p> <p>19 night you came from somewhere else in the First</p> <p>20 District as a response to a radio call for assistance,</p> <p>21 correct?</p> <p>22 A Yes.</p> <p>23 Q Walk me through kind of what led up to this.</p> <p>24 Where did you respond to, who was telling you what to</p> <p>25 do?</p>	<p>1 A We responded to -- I believe we're outside</p> <p>2 of the City Hall. And then I can't recall who was</p> <p>3 actually giving orders at that point. I don't know.</p> <p>4 Q But you're kind of a utility player that</p> <p>5 night, just doing what you're told?</p> <p>6 A Yes.</p> <p>7 Q Do you have any specific recollection of the</p> <p>8 flex cuffing of the individual in the video that we</p> <p>9 saw?</p> <p>10 A No. And I'm only watching the video. I</p> <p>11 don't really recall that event.</p> <p>12 Q So is it a fair statement that if I asked</p> <p>13 you specifics about your movements, his movements, the</p> <p>14 movements of those around you, you'd just tell me to</p> <p>15 refer to the video?</p> <p>16 A Yes.</p> <p>17 Q You have no specific recollection of that</p> <p>18 individual or that 54 seconds in time; is that</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q That evening did you see anyone in the</p> <p>22 department deploy chemical munitions?</p> <p>23 A No. But I knew people were getting sprayed</p> <p>24 because you could smell it.</p> <p>25 Q So you knew it was happening, but you did</p>

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